

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Diana Hynek 11/12/2002
Departmental Paperwork Clearance Officer
Office of the Chief Information Officer
14th and Constitution Ave. NW.
Room 6625
Washington, DC 20230

In accordance with the Paperwork Reduction Act, OMB has taken the following action on your request for approval of a revision of an information collection received on 09/05/2002.

TITLE: Observer Providers of the North Pacific

AGENCY FORM NUMBER(S): None

ACTION : APPROVED WITHOUT CHANGE

OMB NO.: 0648-0318

EXPIRATION DATE: 11/30/2005

| BURDEN: | RESPONSES | HOURS | COSTS(\$,000) |
|----------------|-----------|-------|---------------|
| Previous | 7,309 | 2,106 | 63 |
| New | 3,998 | 1,963 | 84 |
| Difference | -3,311 | -143 | 21 |
| Program Change | | -14 | 1 |
| Adjustment | | -129 | 20 |

TERMS OF CLEARANCE: None

OMB Authorizing Official Title

Donald R. Arbuckle Deputy Administrator, Office of
Information and Regulatory Affairs

PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

| | |
|--|---|
| 1. Agency/Subagency originating request | 2. OMB control number b. <input type="checkbox"/> None a. _____ - _____ |
| 3. Type of information collection (<i>check one</i>) a. <input type="checkbox"/> New Collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input type="checkbox"/> Extension of a currently approved collection d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OMB control number For b-f, note Item A2 of Supporting Statement instructions | 4. Type of review requested (<i>check one</i>) a. <input type="checkbox"/> Regular submission b. <input type="checkbox"/> Emergency - Approval requested by _____ / _____ / _____ c. <input type="checkbox"/> Delegated |
| | 5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | 6. Requested expiration date a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____ |
| 7. Title | |
| 8. Agency form number(s) (<i>if applicable</i>) | |
| 9. Keywords | |
| 10. Abstract | |
| 11. Affected public (<i>Mark primary with "P" and all others that apply with "x"</i>) a. <input type="checkbox"/> Individuals or households d. <input type="checkbox"/> Farms b. <input type="checkbox"/> Business or other for-profit e. <input type="checkbox"/> Federal Government c. <input type="checkbox"/> Not-for-profit institutions f. <input type="checkbox"/> State, Local or Tribal Government | 12. Obligation to respond (<i>check one</i>) a. <input type="checkbox"/> Voluntary b. <input type="checkbox"/> Required to obtain or retain benefits c. <input type="checkbox"/> Mandatory |
| 13. Annual recordkeeping and reporting burden a. Number of respondents _____ b. Total annual responses _____ 1. Percentage of these responses collected electronically _____ % c. Total annual hours requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____ | 14. Annual reporting and recordkeeping cost burden (<i>in thousands of dollars</i>) a. Total annualized capital/startup costs _____ b. Total annual costs (O&M) _____ c. Total annualized cost requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____ |
| 15. Purpose of information collection (<i>Mark primary with "P" and all others that apply with "X"</i>) a. <input type="checkbox"/> Application for benefits e. <input type="checkbox"/> Program planning or management b. <input type="checkbox"/> Program evaluation f. <input type="checkbox"/> Research c. <input type="checkbox"/> General purpose statistics g. <input type="checkbox"/> Regulatory or compliance d. <input type="checkbox"/> Audit | 16. Frequency of recordkeeping or reporting (<i>check all that apply</i>) a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure c. <input type="checkbox"/> Reporting 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____ |
| 17. Statistical methods Does this information collection employ statistical methods <input type="checkbox"/> Yes <input type="checkbox"/> No | 18. Agency Contact (person who can best answer questions regarding the content of this submission) Name: _____ Phone: _____ |

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
 - (i) Why the information is being collected;
 - (ii) Use of information;
 - (iii) Burden estimate;
 - (iv) Nature of response (voluntary, required for a benefit, mandatory);
 - (v) Nature and extent of confidentiality; and
 - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

| | |
|--|------|
| Agency Certification (signature of Assistant Administrator, Deputy Assistant Administrator, Line Office Chief Information Officer, head of MB staff for L.O.s, or of the Director of a Program or StaffOffice) | |
| Signature | Date |
| Signature of NOAA Clearance Officer | |
| Signature | Date |

**SUPPORTING STATEMENT
OBSERVER PROVIDERS OF THE NORTH PACIFIC
OMB Control No. 0648-0318**

Prepared by
National Marine Fisheries Service
Alaska Region

INTRODUCTION

The domestic groundfish fisheries of the Bering Sea and Aleutian Islands (BSAI) management areas and the Gulf of Alaska (GOA) are managed by the Secretary of Commerce (Secretary) under the Fishery Management Plan (FMP) for the Groundfish Fishery of the BSAI and the FMP for Groundfish of the GOA. The FMPs were prepared by the North Pacific Fishery Management Council (Council) under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) (16 U.S.C. 1801 *et seq.*) and are implemented by regulations at 50 CFR part 679.

The North Pacific Groundfish Observer Program (Observer Program) was implemented in early 1990. The Observer Program established observer coverage requirements which have remained generally unchanged through 2002. Under this program NMFS Alaska Region provides the operational oversight of the program, certification training, definition of observer sampling duties and methods, debriefing of observers, and management of the data. Owners of vessels, shoreside processors, or stationary floating processors required to carry observers must arrange for observer services from an observer provider. A list of observer providers is available upon request from the Observer Program Office. Although the vessel and plant owners pay for the cost of the observers, the costs associated with managing the program are paid by NMFS.

The objective of the NMFS Observer Program is to most efficiently and effectively deploy well-qualified and trained fisheries' observers to monitor the fishing efforts of the North Pacific groundfish fleet as mandated by Federal fisheries regulations at 50 CFR 679 and to provide NMFS an effective tool to monitor and enforce standards of conduct of observers and observer providers. Observers are deployed for the purpose of collecting data on the catch amounts and species composition of groundfish harvests, the catch and mortality of prohibited species and marine mammals, and other fisheries data necessary for stock assessment, conservation, research, management, and scientific understanding of fisheries under the Council's jurisdiction.

NMFS is revising an existing information collection for the Observer Program cleared under OMB control No. 0648-0318. This collection contains information for the Observer Program that include criteria and procedures for observer provider permit issuance and responsibilities and would add a provision that NMFS staff could be deployed to address concerns about observer data quality or sampling protocol onboard a vessel or in a plant. In addition, the term "observer contractors" is changed to "observer providers" and "observer provider certification process" is changed to "observer provider permit process." The appeals processes for issuance of observer provider permits and certification of observers are changed to be more clear and supportable under the Administrative Procedure Act (APA). Some of the data elements in the

existing collection are amended and are highlighted accordingly. Three data elements are added to the observer provider permit application. An update procedure is added to provide a method for observer providers to keep permit information current. Last, each observer candidate would have a new requirement to submit a signed statement of disclosure of any past criminal convictions, in addition to current requirements to submit a resume, college transcripts, and documentation of a physical examination.

A. JUSTIFICATION

The following 18 responses provide the justification of this information collection for observer providers (expiration date 01/31/03) . In the following statement, reference is made to the NMFS Observer Program mailing address and facsimile number which is given below:

NMFS Observer Program Office
7600 Sand Point Way NE
BIN C15700 Building 4,
Seattle, Washington 98115-0070

Facsimile No. 206-526-4066.

1. Explain the circumstances that make the collection of information necessary.

Due to the critical uses of observer data, it is essential that the NMFS Observer Program be improved by addressing both perceived and actual sources of data quality problems. This includes new provisions to authorize deployment of NMFS staff or other authorized personnel onboard vessels or at shoreside processing facilities. In the absence of the observer data, or some equivalent alternative source of fishery data, NMFS could not fulfill its conservation and management obligations, as prescribed under the Magnuson-Stevens Act and other law.

This action addresses observer provider responsibilities, duties and obligations to the NMFS Observer Program and NMFS' ability to interact effectively with observers, fishermen, and processing plant employees and to ensure that the Observer Program will continue to perform its critical scientific, conservation, and management functions and improve its effectiveness. The data provided by the Observer Program are, collectively, a critical element in the conservation and management of groundfish, other living marine resources, and their habitat. These data are used for assessing the status of groundfish stocks, setting and monitoring groundfish quotas and allocations thereof, monitoring bycatch of non-groundfish species, assessing effects of the groundfish fishery on other living marine resources and their habitat, and assessing methods for improving the conservation and management of groundfish, other living marine resources and their habitat.

Additionally, management of the western Alaska Community Development Quota (CDQ) program and American Fisheries Act (AFA) fisheries are structured to rely on observer data for individual vessel catch accounting. These data largely result in the current level of confidence in

the management of the federally managed fisheries in the waters off Alaska. Accurate catch accounting results in fishery closures that allow for harvest levels that better approach actual allocations without exceeding them, thereby avoiding, to the extent practicable, losses of revenue from the potential mis-allocation of underharvesting of total allowable catch.

2. Explain how, by whom, how frequently, and for what purpose the information will be used.

One new information request is added to OMB control No. 0648-0318 and described below that would allow industry requests for assistance in improving observer data quality issues.

The main focus of this information collection continues to be the documentation required by NMFS from an observer provider. The data elements of the information collection listed below generally are unchanged from those previously cleared under OMB control No. 0648-0318, although differences that exist are highlighted. Observer providers are permitted by NMFS to hire and deploy qualified individuals as observers in the North Pacific groundfish fisheries. Observer candidates are required to meet specified criteria in order to qualify as an observer and must successfully complete an initial certification training course, as well as meet other criteria, prior to being certified.

Observer providers are required to provide information to NMFS to ensure:

- Observer candidates are qualified;
- Observer complete their duties in a timely manner; and
- Communications are maintained with the NMFS observer Program office concerning -
 - Observer training and briefing registration,
 - Projected observer assignments,
 - Statements of physical examination by a licensed physician confirming the observer candidate does not have health problems or conditions that would prevent the observer or observer candidate from performing his or her job satisfactorily,
 - Observer deployment and logistic reports
 - Observer debriefing registration,
 - Certificates of insurance,
 - Proof of contracts with observers,
 - Proof of contract for observer services,
 - Any change in observer provider management and contact information, and
 - Any reports of any information on observer harassment, vessel or processor safety issues, observer illness or injury of the observer.

Prior to registration for certification training, an observer provider requests from each observer candidate employed by the provider a resume, educational transcripts, and a signed statement which discloses any criminal convictions. When the candidate has provided this information, successfully completed the training, and provided a signed and dated statement from a licensed physician that he or she has physically examined the candidate and confirmed that the candidate

is fit for duty, the Observer Program will certify the candidate as an observer. Upon becoming a certified observer, a person can begin work and is scheduled for work by the observer provider. An observer must submit proof of a medical exam each year to the observer provider.

After completion of each observing job or cruise, the observer is scheduled for and attends a debriefing with the Observer Program. This debriefing determines whether the observer needs more training based on his performance and knowledge. After an observer has debriefed, they also must attend a briefing prior to their next deployment.

Industry Request for Assistance in Improving Observer Data Quality Issues.

A new request is added to this information collection to provide owners/operators of vessel and shoreside facilities that currently are required to carry observers to request NMFS to deploy NMFS staff or other NMFS authorized persons to their vessel or facility to address concerns about observer data quality or sampling protocol. The intent of both NMFS-directed and industry requests for this activity is to increase the ability of NMFS to interact effectively with observers, fishermen, and processing plant employees by granting NMFS authority to place NMFS staff and authorized individuals aboard groundfish vessels and at shoreside and stationary floating processors that require observer coverage.

NMFS staff observer deployments are necessary to resolve many vessel and/or fishery specific sampling issues that observers encounter at sea. NMFS currently works to resolve certain issues through written communications or dockside meetings. NMFS would be better able to address observer-related issues by placing staff or individuals authorized by NMFS in actual working conditions experienced by observers. Such deployments would increase the ability of NMFS to work with industry, observers, and observer providers to resolve the many issues that face the stakeholders in the Alaska groundfish fisheries and foster a more cooperative working relationship with better informed industry participants including but not limited to: Solving vessel, shoreside processor, or stationary floating processors specific sampling issues; creating new sampling protocols; developing and implementing research projects; maintaining knowledge of current vessel, shoreside processor, or stationary floating processors operations for observer sampling purposes; or providing on-site training for an observer(s) employed by an observer provider.

| Industry Request for Assistance in Improving Observer Data Quality Issues, Respondent | |
|--|--------------|
| Estimated number of industry requests | 10 |
| Number of responses per year | 1 |
| Time requirement for each application (30 min/60 min) | 0.50 hr |
| Total annual responses | 10 |
| Cost per hour, in dollars | \$25/hr |
| Total personnel cost to all applicants (10 x 1 x 0.5 x \$25) | \$125 |
| Cost to submit application by FAX (\$1 x 1 page x 10) | \$10 |
| Total Time burden (10 x 0.5) | 5 hr |
| Total miscellaneous cost | \$10 |

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| Review of Industry Request, Federal Government | |
| Estimated number of industry requests | 10 |
| Number of responses per year | 1 |
| Time requirement for each application (150 min/60 min) | 2.5 hr |
| Total time requirement to review | 25 hr |
| Cost per hour, in dollars | \$25/hr |
| Total cost for request review (25 x \$25) | \$625 |

Application For an Observer Provider Permit.

The information required from observer providers is requested in narrative style and does not require a specific form to be completed. NMFS uses the permit application to evaluate the abilities of the prospective provider to perform the required responsibilities and duties on a recurring basis. Applicants judged adequate to provide observer services and who can verify that they do not have a financial interest or a conflict of interest in any North Pacific fishery, are permitted by NMFS and are included in a list of contractors from which industry members can obtain their required observers.

NMFS has determined that the existing 5 approved observer providers are adequately providing for required observer coverage in the North Pacific groundfish fisheries, and does not anticipate any new applications. Observer providers previously certified by NMFS to provide observers and who actively deployed observers in Alaska groundfish fisheries in 2002 would be considered to be qualified for these permits in 2003 by their demonstrated performance and their existing documentation on file. Such providers would not be required to submit a new application, and the owner(s) will be issued a permit based on their existing record. Because accurate identification of the business' ownership would be required for issuance of the permit, NMFS would require each existing observer provider to submit to NMFS within 30 days of receiving an observer provider permit any changes or corrections regarding management or ownership structure of the provider and applicable contact information.

The observer provider permit would remain effective through December 31, 2007 unless:

1. A new owner of the observer provider company requires that a new permit application process be initiated;
2. The permit issued to an observer provider is revoked; or
3. The permitted provider ceases to deploy observers to groundfish fisheries in the North Pacific during a period of 12 continuous months.

The Regional Administrator will establish an observer provider application review board to review and evaluate an application. Issuance of a permit will be based on the completeness of the applicant's application, as well as the evaluation criteria for each owner, or owners, board members and officers if a corporation. The evaluation by the review board will provide a basis for the board's recommendation to the Regional Administrator for a determination on whether the application is complete and all evaluation criteria are met.

The Regional Administrator will specify, by letter via certified return-receipt mail, a 60 day evidentiary period during which a candidate may provide additional information or evidence to

support the application, if the application is found to be deficient. If the initial administrative determination (IAD) is to approve the application, the Regional Administrator will issue an observer provider permit to the applicant upon determination by the Regional Administrator that the application is complete and all evaluation criteria are met.

| | |
|--|---|
| An application for an observer provider permit shall consist of a narrative containing the following | |
| 1. Identification of the management, organizational structure, and ownership structure of the applicant’s business | |
| including identification by name and general function of all controlling management interests in the company | This information is necessary to clearly identify the permit recipient, organization management, and appropriate contacts for particular issues. Organizational and management information helps NMFS minimize compliance problems with observer providers. |
| including but not limited to owners, board members, officers, authorized agents, and staff. | |
| If the applicant is a corporation, the articles of incorporation must be provided. | |
| If the ownership of an observer provider company is not a U.S. citizen /residing/located/based in the U.S., the applicant must identify an authorized agent who resides in the U.S. and provide contact information for that agent including mailing address and telephone and FAX numbers where the agent can be contacted for official correspondence. | |
| 2. Contact information for the owner, authorized agent, and company information | |
| Permanent mailing address, phone and FAX numbers where the owner(s) can be contacted Current physical location Business mailing address, telephone and FAX numbers Business e-mail address for each office | This information allows NMFS to know where to communicate with the owner(s) for official correspondence as well as providing contact points for the day-to-day operations for each of the applicant’s locations. This information will facilitate communication with the applicant. |
| 3. A statement signed under penalty of perjury from each owner, or owners, board members and officers if a corporation, that they are free from a conflict of interest [NEW] | |
| | This declaration will help ensure that NMFS provides permits only to applicants who are free from a conflict of interest and will ensure that the applicants are aware of this provision of the regulations. If requested, NMFS could provide a template form which applicants could use to satisfy this part of the application. |
| 4. A statement signed under penalty of perjury from each owner, or owners, board members, and officers if a corporation, describing any criminal convictions, federal contracts they have had and the performance rating they received on the contract, and previous decertification action while working as an observer or observer provider. [NEW] | |

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|---|--|
| An application for an observer provider permit shall consist of a narrative containing the following | |
| | These declarations will help ensure that NMFS provides permits only to applicants who lack past record of poor performance or certain criminal behavior. Screening for these records will assist NMFS in permitting applicants who will help promote honesty and integrity in the Observer Program. |
| 5. A description of any prior experience the applicant may have in placing individuals in remote field and/or marine work environments [NEW] | |
| including but not limited to recruiting, hiring, deployment, and personnel administration | This background information would aid NMFS in determining how much assistance the provider would require to remain in compliance with the regulations. |
| 6. A description of the applicant's ability to carry out the responsibilities and duties of an observer provider, and the arrangements to be used to achieve such responsibilities and duties | |
| Specific explanations of how the applicant intends to comply with each component of the regulations | This information would demonstrate the applicant's understanding of the regulations and how the applicant would comply with these regulations. This is a critical part of the application, because each observer provider's compliance with regulatory responsibilities is important for the overall program to be successful. |

| | |
|---|----------------|
| New permit application for observer provider, Respondent | |
| Estimated number of observer providers | 1 |
| Number of responses per year | 1 |
| Time requirement for each application | 60 hr |
| Total annual responses | 1 |
| Cost per hour, in dollars | \$25 |
| Total personnel cost to all applicants (60 x \$25) | \$1,500 |
| Cost to submit application by FAX (\$1 x 5 pages) | \$5 |
| Total Time burden | 60 hr |
| Total miscellaneous cost | \$5 |

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| Review of application for observer provider, Federal Government | |
| Number of Permitted observer provider applications per yr | 1 |
| Total time requirement to review and score each application | 30 hr |
| Cost per hr | \$25/hr |
| Total cost for application review (30 hr x \$25/hr) | \$750 |

Update to provider information

NMFS adds a new responsibility for the observer providers beginning in the year 2003. This new responsibility requires existing observer providers to notify the Observer Program Office within 30 days when any of the required elements change. This requirement will help facilitate the communication between NMFS and observer providers to ensure that NMFS and observer

providers continue to work well together. Any change to the information submitted on the provider's permit application must be submitted by FAX or mail within 30 days of the effective date to the NMFS Observer Program.

Identification of the management, organizational structure, and ownership structure of the applicant's business.

including identification by name and general function of all controlling management interests in the company including but not limited to owners, board members, officers, authorized agents, and staff.

If the applicant is a corporation, the articles of incorporation must be provided.

If the applicant is a partnership, the partnership agreement must be provided.

Contact information for the owner, authorized agent, and company information: including the permanent mailing address, phone and FAX numbers where the owner(s) can be contacted
current physical location

business mailing address

business telephone and FAX numbers

business e-mail address for each office

Update to provider information, Respondent

| | |
|---|-------------|
| Estimated number of respondents | 4 |
| Time requirement for each update (15 min/60 min) | 0.25 hr |
| Number of responses per year | 1 |
| Total annual responses | 4 |
| Cost per hour, in dollars | \$25/hr |
| Total personnel cost to all applicants (4 x 0.25 x \$25) | \$25 |
| Cost to submit update by FAX (\$1 to 1 page x 4) | \$4 |
| Total Time burden (4 x 1 x 0.25) | 1 hr |
| Total miscellaneous cost | \$4 |

Update to provider information, Federal Government

| | |
|---|----------------|
| Number of updates per yr | 4 |
| Time requirement to review and record each update | 0.50 hr |
| Total time requirement to review and record each update | 2 hr |
| Personnel cost per hr | \$25/hr |
| Total personnel cost for application review (2x \$25/hr) | \$50 |

Observer Certification Training Registration

The observer provider is responsible to provide information to the Observer Program for training of potential observers. In general, certification training registration information is essential to the efficient operation of group instruction. This training lasts for a 3-week period. Once certified, an observer is required to complete subsequent annual briefings (4 days), as well as predeployment briefings (1-day), and either 5-day or 1-day special briefings for work as "level 2" observers on vessels or at processors participating in the American Fisheries Act (AFA) pollock cooperatives or the Western Alaska Community Development (CDQ) Program. These briefings are addressed separately, below.

Registration for certification training is done by e-mail, FAX, or other method specified by NMFS. Observer providers must submit the following information to the Observer Program

Office at least 5 working days prior to the beginning of a scheduled observer certification training session.

- date of requested training;
- a list of observer candidates by NMFS. The list must include each candidate's full name (i.e., first, middle and last names), date of birth, and sex;
- a copy of each candidate's academic transcripts and resume; and
- a statement signed by the observer candidate under penalty of perjury which discloses the candidate's criminal convictions. (NEW)

The requested date and names of observer candidates ensure that sufficient class space will be reserved for the candidates during the training session requested. Training registration consists of the following. The resume and transcripts are to be submitted initially by each potential, new observer. Copies of resumes and transcripts allow NMFS to verify that first-time applicants meet the observer educational qualification standards. The disclosure statement of criminal record is a new requirement intended to disclose the candidate's past criminal record that demonstrates an absence of criminal records related to: embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements or receiving stolen property, or the commission of any other offense indicating a lack of integrity or honesty that would seriously and directly affect the fitness of an candidate to fulfill the observer responsibilities.

The observer candidate's time and cost in preparation of a resume is excluded from the estimated burden of this information collection because resumes routinely are required by most employers, including observer providers. However, NMFS's requirement that candidates successfully complete specified college course work requires that college transcripts be submitted. Thus the time and costs associated with submitting transcripts, as well as the disclosure statement on any criminal record are included.

| Observer candidates' college transcripts and disclosure statements, Observer candidate | |
|---|----------------|
| Number of submissions to observer providers | 200 |
| Time requirement each submission (15 min/60 min) | 0.25 |
| Number of responses per year | 1 |
| Total annual responses | 200 |
| Total time burden (200 x 0.25) | 50 hr |
| Cost per hr | \$25 |
| Total personnel cost (50 x \$25) | \$1,250 |
| Cost to obtain college transcripts | \$ 5 |
| Total estimate costs to obtain transcripts (200 X \$5) | \$1,000 |
| Cost to mail transcripts and disclosure statements to observer providers | \$1 |
| Total mailing costs (200 x \$1) | \$200 |
| Total miscellaneous cost (\$1,000 + 200) | \$1,200 |

Observer candidates' college transcripts and disclosure statements, Observer provider

| | |
|--|----------------|
| Number of submissions to NMFS per year | 200 |
| Time requirement each submission (15 min/60 min) | 0.25 hr |
| Number of responses per year | 1 |
| Total annual responses | 200 |
| Cost per hr | \$25/hr |
| Total personnel cost (50 hr x \$25/hr) | \$1,250 |
| Cost to submit notice by FAX (\$1 x 5 pages x 200) | \$1,000 |
| Total time burden (200 x 0.25) | 50hr |
| Total miscellaneous | \$1,000 |

Observer Registration Processing, Federal Government

| | |
|---|----------------|
| Number of observer registrations per year | 200 |
| Time requirement to data enter each registration (20 min/60 min) | 0.33 hr |
| Total time requirement for observer registrations (200 x 0.33) | 66 hr |
| Cost per hr | \$25/hr |
| Total cost for observer registration (66 hr x \$25/hr) | \$1,650 |

Observer physical examination certification.

Physical examinations are necessary because working aboard vessels or in processors is a dangerous occupation. An individual must be physically fit with no safety-endangering conditions. Notification of the physical examination allows NMFS to verify that all observers meet standards in the program and must be submitted prior to certification of an observer. A physical examination certification is a signed and dated statement from a licensed physician that, based upon a physical examination of the candidate by that physician during the 12 months prior to the candidate's deployment that the candidate does not have any health problems or conditions that would jeopardize an observer's safety or the safety of others while deployed, or that would prevent the candidate from performing his or her observer duties satisfactorily, and that prior to the physical examination, the physician was made aware of the dangerous, remote and rigorous nature of the work. Observer providers only are required to incur the costs associated with copying and submitting to NMFS the notice of physical examination. They do not incur the costs of an observer or observer candidate's time and cost for the actual exam.

Notification of observer physical examination, Observer Providers

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|--|--------------|
| Number of notifications submitted to NMFS per year | 400 |
| Time requirement to submit each notification (5 min/60 min) | 0.08 hr |
| Annual time requirement each notification (400 x 0.08) | 32 hr |
| Cost per hr | \$25 /hr |
| Total personnel cost for notification (32 hr x \$25/hr) | \$800 |
| Cost to submit notice by FAX (\$1 x 1 page x 400) | \$400 |
| Total time burden | 32hr |
| Total miscellaneous cost | \$400 |

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|--|-----------------|
| Observer physical examination, Observer | |
| Number of physical examinations per year | 400 |
| Time requirement for each physical examination | 2 hr |
| Annual time requirement each exam (400 x 2) | 800 hr |
| Cost per hr | \$25/hr |
| Total personnel cost (800 x \$25) | \$20,000 |
| Cost per physical examination | \$40 |
| Total cost for physical examinations (400 hr x \$40/hr) | \$16,000 |
| Total time burden | 800 hr |
| Total miscellaneous cost | \$16,000 |

| | |
|---|--------------|
| Notification of Observer Physical Exam, Federal Government | |
| Number of observer registrations per year | 400 |
| Time requirement to record each notification (2 min/60 min) | 0.03 hr |
| Total time requirement for observer registrations (400 x 0.03) | 12 hr |
| Cost per hr | \$25/hr |
| Total cost for observer registration (12 hr x \$25/hr) | \$300 |

Projected Observer Assignments.

Projected observer assignment information submitted by observer providers to NMFS is used by the training or briefing instructor to adapt classroom instruction to meet the specific needs of the individual(s) in the training or briefing class. It is also used by the instructor when giving “special project” assignments to students. Special project assignments are often dependent on the projected vessel assignments because the nature of the projects are often species or vessel-type specific, for example, pollock otolith collection or Pacific cod stomach collection. This information must be submitted to the Observer Program Office prior to the completion of the training or briefing session.

the observer's name

vessel, shoreside processor, or stationary floating processor assignment, type, and code

port of embarkation

target species

area of fishing

| | |
|--|----------------|
| Projected observer assignment, Respondent | |
| Number of observer assignments per year | 600 |
| Time requirement for each observer assignment (7 min/60 min) | 0.12 hr |
| Cost per hr | \$25/hr |
| Cost to submit notice by FAX (\$1 x 1 page x 600) | \$600 |
| Total time burden (600 x 0.12 hr) | 72 hr |
| Total personnel cost (72 hr x \$25/hr) | \$1,800 |
| Total miscellaneous cost | \$600 |

| | |
|---|----------------|
| Observer Assignment Processing, Federal Government | |
| Number of observer assignments per year | 600 |
| Time requirement to data enter each assignment (10 min/60 min) | 0.17 hr |
| Total time requirement for observer assignments (600 x 0.17) | 102 hr |
| Cost per hr | \$25/hr |
| Total cost for observer assignments (102 hr x \$25/hr) | \$2,550 |

Observer briefing registration.

After an observer is certified by the Observer Program, he or she is sent to work on a catcher vessel, an at-sea processor or shoreside processor. Certified observers must be registered for an annual briefing (4 days), as well as pre-deployment briefings. Upon completion of each assignment, the observer is scheduled for a separate debriefing with the Observer Program (see below). In addition, an opportunity exists for special 5-day or 1-day briefings that provide special training necessary for an observer to be endorsed as a “level 2” observer for purposes of observing in the AFA or CDQ fisheries. At times, an observer must undergo several briefings in preparation for an assignment. For example observers registered for the annual 4-day briefing also might be registered for a 5 or 1-day “level 2” briefing prior to deployment. Similarly, observers who successfully completed the 3-week training session (see above) would be required to also complete 1 or more briefing sessions prior to deployment. Thus, the total number of training and briefing registrations will be greater than the number of deployments.

The observer provider must submit the following briefing registration information for each annual, level 2, and pre- deployment briefing session:

date and type of briefing session

briefing location

list of observers to attend

For each observer: full name (first, middle, last)

Briefing Registration, Respondent

| | |
|---|----------------|
| Number of observer briefing registrations per year | 600 |
| 4-day annual briefing: 220 | |
| 1-day predeployment briefing: 230 | |
| 5-day 'level 2' briefing: 60 | |
| 1-day 'level 2' briefing: 90 | |
| Time requirement for briefing registration (7 min/60 min) | 0.12 hr |
| Cost per hr | \$25/hr |
| Cost to submit notice by FAX (\$1 x 1 page x 600) | \$600 |
| Total time burden (600 x 0.12 hr) | 72hr |
| Total personnel cost (72 hr x \$25/hr) | \$1,800 |
| Total miscellaneous costs | \$600 |

Observer Briefing Registration, Federal Government

| | |
|---|--------------|
| Number of observer briefing registrations per year | 600 |
| Time requirement to data enter each registration (3 min/60 min) | 0.05 hr |
| | 30 hr |
| Total time requirement for briefing registrations (600 x 0.05) | \$25/hr |
| Cost per hr | \$750 |
| Total personnel cost (30 hr x \$25/hr) | |

Certificate of Insurance.

Copies of “certificates of insurance,” that name NMFS Observer Program leader as the “certificate holder,” shall be submitted by February 1 of each year. The certificates of insurance shall verify the following coverage provisions and state that the insurance company will notify the certificate holder if insurance coverage is changed or canceled.

Maritime Liability to cover "seamen's" claims under the Merchant Marine Act (Jones Act) and General Maritime Law (\$1 million minimum).

Coverage under the U.S. Longshore and Harbor Workers' Compensation Act (\$1 million minimum).
States Worker's Compensation as required.

Commercial General Liability.

Insurance certification allows NMFS to confirm that an observer provider is meeting the minimum insurance coverage required.

| | |
|--|---------------|
| Certificate of insurance, Respondent | |
| Number of Permitted observer provider applicants | 5 |
| Number of responses per year | 1 |
| Total number of responses | 5 |
| Time requirement for each certificate of insurance (12 min/60 min) | 0.2 hr |
| Cost per hr | \$25/hr |
| Cost to submit report by FAX (\$1 x 2 pages x 5) | \$10 |
| Total time burden (5 x 1 x 0.2) | 1 |
| Total personnel cost for certificate of insurance (0.05 hr x \$25/hr) | \$1.25 |
| Total miscellaneous cost | \$10 |

| | |
|--|-------------|
| Certificate of insurance, Federal Government | |
| Number of observer provider applicants | 5 |
| Time requirement to file each certificate (3 min/60 min) | 0.05 hr |
| Total time requirement (5 x 0.05) | 1 hr |
| Cost per hr | \$25/hr |
| Total personnel cost (1 hr x \$25/hr) | \$25 |

Copies of Contracts.

Review of contracts allows NMFS to monitor standards between observers and observer providers and to ascertain if observer providers are fulfilling their responsibilities and duties as prescribed by NMFS. The observer provider must provide NMFS Observer Program a completed and unaltered copy of each type of signed and valid contract (including all attachments, appendices, addendums, and exhibits incorporated into the contract) that it has with:

Specific entities requiring observer services, including:

Motherships of any length that process 1,000 mt or more in round-weight equivalent of groundfish during a calendar month

Motherships of any length that process 500 to 1,000 mt or more in round-weight equivalent of groundfish during a calendar month

Catcher/processor or catcher vessel 125 ft LOA or longer

Catcher/processor or catcher vessel equal to or greater than 60 ft LOA but less than 125 ft LOA

Catcher/processor or catcher vessel equal to or greater than 60 ft LOA but less than 125 ft LOA

Shoreside processors or stationary floating processors that process 1,000 mt or more in round-weight equivalent of groundfish during a calendar month

Shoreside processors or stationary floating processors that process 500 to 1,000 mt or more in round-weight equivalent of groundfish during a calendar month

Observer providers must also submit to the Observer Program Office *upon request* from NMFS a completed and unaltered copy of the current or most recent signed and valid contract between an observer provider and the particular entity or observer identified by the Observer Program.

| | |
|--|----------------|
| Copies of contracts, Respondent | |
| Number of Permitted observer providers | 5 |
| Number of contracts each provider | 50 |
| Total number of responses | 250 |
| Time requirement to copy each contract (15 min/60 min) | 0.25 hr |
| Cost per hr | \$25/hr |
| Total time burden (250 x 0.25) | 63 hr |
| Total personnel cost to copy contracts (63 x \$25) | \$1,575 |
| Total cost to mail contract copies to NMFS (\$1.40 postage x 250) | \$350 |

| | |
|--|-----------------|
| Review of Contracts, Federal Government | |
| Number of Permitted observer providers | 5 |
| Time requirement to review | 2 hr |
| Total number of contracts | 50 |
| Total time burden (2 hr x 50 x 5) | 500 hr |
| Cost per hr | \$25 |
| Total personnel cost (500 hr x \$25/hr) | \$12,500 |

Observer deployment/logistics reports

This information is used for routine record keeping in the NMFS observer database. Accurate and timely observer deployment information is important for fisheries management. Knowing where observers are at all times is also extremely important should emergencies arise while an observer is deployed at sea. This information must be submitted weekly as directed by the Observer Program Office.

observer's name

cruise number

current vessel, shoreside processor, or stationary floating processor assignment and code

embarkation date

estimated and actual disembarkation dates

(600 for the deployment data) plus (5 providers times 8.5 weeks) = 642.5.

| | |
|--|----------------|
| Weekly deployment/logistics reports, Respondent | |
| Number of observer deployments per year | 600 |
| Number of weekly reports/yr | 8.5 |
| Number of reports per year (600 deployments +(5 providers x 8.5 weeks = 42.5)) | 642.5 |
| Time requirement each report (7 min/60 min) | 0.12 hr |
| Cost per hr | \$25/hr |
| Total time burden (642.5 x 0.12) | 77 |
| Cost to submit report by FAX (\$1 x 1 page x 77) | \$77 |
| Total personnel cost (77 hr x \$25/hr) | \$1,925 |
| Total miscellaneous costs | \$77 |

**Observer Deployment/Logistics Processing,
Federal Government**

| | |
|---|----------------|
| Number of deployment/logistics reports per year | 642.5 |
| Time requirement to data enter each report (10 min/60 min) | 0.17 hr |
| Total time requirement for reports (642.5 x 0.17) | 109 hr |
| Cost per hr | \$25/hr |
| Total cost for deployment/logistics reports (109 hr x \$25/hr) | \$2,725 |

Observer Debriefing Registration.

Observer Debriefing Registration information allows for an efficient and effective debriefing process of an observer with NMFS personnel through a one-on-one interview. The observer providers must contact the Observer Program within 5 days after the completion of an observer's deployment to schedule a date, time and location for debriefing. Observer debriefing registration information must include:

- the observer's name
- cruise number
- vessel, shoreside processor, or stationary floating processor name(s)
- requested debriefing date

Debriefing registration, Respondent

| | |
|--|----------------|
| Number of observer debriefing registrations per year | 600 |
| Time requirement for each registration (7 min/60 min) | 0.12 hr |
| Cost per hr | \$25/hr |
| Cost to submit list to NMFS by FAX (\$1 x 1 pages x 600) | \$600 |
| Total time burden (600 x 0.12) | 72 hr |
| Total personnel cost (72hr x \$25/hr) | \$1,800 |
| Total miscellaneous cost | \$600 |

Observer Debriefing Registration, Federal Government

| | |
|---|--------------|
| Number of observer debriefing registrations per year | 600 |
| Time requirement to data enter each registration (3min/60 min) | 0.05 hr |
| Cost per hr | \$25 |
| Total time requirement for observer debriefings (600 x 0.05) | 30 hr |
| Total cost for observer debriefings (30 hr x \$25/hr) | \$750 |

Other Reports

Reports on the following topics must be submitted to the Observer Program by the observer provider within 24 hours after the observer provider becomes aware of the problem:

- observer harassment
- any prohibited action against observers
- concerns about vessel or processor safety
- any observer illness or injury that prevents them from completing their duties [NEW]
- any information, allegations or reports regarding observer conflict of interest or breach of the observer standards of behavior (NEW)

Review of these reports provides NMFS an effective tool to monitor and enforce standards of conduct of observer providers and to ascertain if observer providers are fulfilling their responsibilities and duties as prescribed by NMFS.

Reports of Problems, Respondent

| | |
|---|----------------|
| Number of Permitted observer providers | 5 |
| Number of reports | 10 |
| Total number of responses (5 providers x 10 reports) | 50 |
| Time requirement for each report | 2 hr |
| Cost per hr | \$25/hr |
| Cost to submit reports to NMFS by FAX (\$1 x 1 page x 10 x 5) | \$50 |
| Total personnel cost (50 x 2 hr x \$25/hr) | \$2,500 |
| Total time burden (50 x 2 hr) | 100 hr |
| Total miscellaneous cost | \$50 |

Reports of Problems, Federal Government

| | |
|---|----------------|
| Number of Permitted observer providers | 5 |
| Time requirement to review and respond to each report | 1 hr |
| Estimated number of reports | 10 |
| Total time requirement for all reports (5 x 1 hr x 10) | 50 hr |
| Cost per hr | \$25 |
| Total cost for review of reports (50 hr x \$25/hr) | \$1,250 |

Appeals for Observer Provider Permit Expiration or Denial of Permit

The Regional Administrator will provide a written determination to an observer provider if NMFS deployment records indicate that the permit has expired. An observer provider who receives a written IAD of permit expiration may appeal.

The appeals process also provides the observer providers a method to provide evidence and to argue in opposition to a denial of a permit. In addition, the process provides NMFS a tool to ascertain if observer providers are fulfilling their responsibilities and duties as prescribed by NMFS

An observer provider application will be denied if the Regional Administrator determines that the information provided in the application was not complete or all the evaluation criteria were not met. The Regional Administrator will prepare and send an IAD to the applicant upon evaluation of a completed application. The IAD will identify any deficiencies in the application or any information submitted in support of the application. An applicant who receives an IAD that denies his or her application may appeal. An applicant who appeals the IAD will not be issued an interim observer provider Permit. An applicant who appeals an IAD will not receive a permit until after the final resolution of that appeal in favor of the applicant.

The Regional Administrator will provide a written determination to an observer provider if NMFS deployment records indicate that the permit has expired. An observer provider who receives a written IAD of permit expiration may appeal. A permit holder who appeals the IAD will be issued an extension of the expiration date of the permit until after the final resolution of that appeal.

| | |
|---|----------------|
| Observer provider appeals, Respondent | |
| Number of annual observer provider responses (one response/5 years) | 0.2 |
| Time requirement for each provider response | 40 hr |
| Annual time requirement for provider responses (0.2 x 40 hr) | 8 hr |
| Provider Cost per hr | \$25/hr |
| Annual cost for provider response (8 hr x \$25/hr) | \$200 |
| Time requirement for each hired legal response | 40 hr |
| Annual time requirement for legal responses (0.2 x 40 hr) | 8 hr |
| Legal Cost per hr | \$125/hr |
| Annual cost for legal responses (8 hr x \$125/hr) | \$1,000 |
| Cost to submit each appeal to NMFS by mail (\$0.33 x 5 oz) | \$1.65 |
| Total miscellaneous cost (\$2 mail + \$1,000 legal fees) | \$1,002 |
| Total personnel cost | \$200 |
| Total appeals time burden | 8 hr |

| | |
|---|--------------|
| Review of Observer Provider appeals, Federal Government | |
| Number of annual appeals (1 appeal/5 years) | 0.2 |
| Time requirement to review each appeal | 40 hr |
| Total time requirement for appeals (0.2 appeals x 40 hr) | 8 hr |
| Cost per hr | \$25 |
| Total cost for appeals (8 hr x \$25) | \$200 |

Appeals for Denial of Observer Certification, Certification Suspension or Decertification

Denial of Certification. If an observer candidate fails training, he or she would be notified in writing on or before the last day of training. If the candidate is allowed to retake the training, the conditions for re-training would be specified in the notice. If a determination is made that the candidate may not pursue further training, notification will be in the form of an IAD denying certification. A candidate's appeal from an IAD to deny certification would be made to the OAA rather than being handled internally by the Observer Program Office. A candidate who appeals the IAD and prevails, would not receive certification until after the final resolution of that appeal. If unsuccessful, the candidate could further appeal to the U.S. District Court.

Observer Sanctions. Initial observer suspension and decertification proceedings occur within the Observer Program Office. Appeals of these determinations are forwarded to the OAA to provide more assurance of objectivity in final decision-making. The Regional Administrator would appoint an observer suspension/decertification officer or officers to review cases referred by Observer Program staff for suspension or decertification, or both, and issue a written notice to the observer if NMFS intends to proceed with the action. If the action is pursued, this notice would detail the reasons for and the terms of the action. The notice also would indicate to the observer his or her right to appeal the decision and the procedure for filing such an appeal. The observer would have an opportunity to present documentation that would show mitigating circumstances or refute the evidence before the official. Under this procedure, the Observer Program would create a written record, but would not hold hearings. If the observer does not contest the proposal to decertify or suspend the certificate, the Observer Program's initial decision would become final.

If the observer wanted to appeal an adverse initial determination by the Observer Program and the suspension decertification officer(s), the decision would be referred to the OAA. The OAA would provide a hearing officer who has special training in reviewing administrative records. Additionally, the OAA could preside over fact-finding hearings, hear testimony or review evidence and issue written decisions with determinations of factual issues and application of the regulations. The OAA's determination would be referred to the Regional Administrator, who can uphold or overturn the OAA's decision in making the final agency determination.

Observer appeals, Respondent

| | |
|--|-----------------|
| Number of annual observer responses | 25 |
| Time requirement for each response | 20 hr |
| Annual time requirement for responses (25 x 20 hr) | 500 hr |
| Cost per hr | \$25/hr |
| Annual cost for response (500 hr x \$25/hr) | \$12,500 |
| Time requirement for each hired legal response | 40 hr |
| Annual time requirement for legal responses (25 x 40 hr) | 500 hr |
| Legal Cost per hr | \$125/hr |
| | \$62,500 |
| Annual cost for legal responses (500 hr x \$125/hr) | \$1.65 |
| Cost to submit each appeal to NMFS by mail (\$0.33 x 5 oz) | \$50 |
| Annual mail costs (\$2 x 25) | \$62,550 |
| Total annual miscellaneous cost (\$50 mail + \$62,500 legal fees) | \$12,500 |
| Total annual personnel cost | 500 hr |
| Total annual time burden | |

Review of Observer appeals, Federal Government

| | |
|--|-----------------|
| Number of annual appeals | 25 |
| Time requirement to review each appeal | 40 hr |
| Total time requirement for appeals (25 appeals x 40 hr) | 1,000 hr |
| Cost per hr | \$25 |
| Total cost for appeals (1,000 hr x \$25) | \$25,000 |

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.

The periodic reports and information submitted by observer providers consist of extractions of the required data from their existing database systems into a report form that is then submitted by FAX transmission or e-mail to NMFS.

4. Describe efforts to identify duplication.

The application processes and information submissions for the observer provider are unique to this program and direct duplication with other collections do not exist.

5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.

The application procedures and reporting requirements for observer providers do not have a significant impact on small entities. Reporting burden associated with applications for observer provider permits has been minimized for existing providers given that these entities will receive a permit without having to undertake the application process.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.

All information is required for the efficient operation of the Observer Program and must be submitted in the time frames requested. Collecting this information less frequently would jeopardize the goals and objectives of the Observer Program and the effective management of the Alaska groundfish fisheries.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

No special circumstances exist that would require information collection to be conducted in a manner inconsistent with OMB Guidelines except for the weekly reports.

8. Provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

A proposed rule will solicit public comment for the revisions to the information collection for Observer Providers of the North Pacific.

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of providers or grantees.

No payment or gift to respondents is provided under this program for observer providers who choose to apply.

10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.

The Privacy Act does apply to this collection-of-information because the social security number is requested on a voluntary basis. The social security number is needed basically to avoid

inappropriate release of data: to distinguish between same names and to ensure that the records go to the same person through the use of this personal ID. With mis-spellings and possible duplications, it is necessary to select a unique identifier to find records in the database; and prevents release of confidential data to the wrong person.

The information collected is confidential under section 402(b) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*). It is also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics. These procedures have been implemented under the NMFS Operations Manual entitled, "Data Security Handbook for the Northwest-Alaska Region, National Marine Fisheries Service."

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

This collection of information requests the social security number (see item 10).

12. Provide an estimate in hours of the burden of the collection of information.

Estimated total responses is 3,987.7. Estimated total burden hours of the collection of information for all respondents is 1,963. Average wage equivalent to a GS-7 employee in Alaska, including COLA, is \$25/hr for a total estimated personnel cost of \$49,051.

| Document | Responses | Burden (hr) | Personnel Cost (\$) |
|--|----------------|--------------|---------------------|
| Industry request | 10 | 5 | 125 |
| Permit application | 1 | 60 | 1,500 |
| Permit update | 4 | 1 | 25 |
| Observer candidate transcripts and disclosure statements | 200 | 50 | 1,250 |
| Observer provider transcripts and disclosure statements | 200 | 50 | 1,250 |
| Observer physical exam | 400 | 800 | 20,000 |
| Observer provider physical exam notice | 400 | 32 | 800 |
| Projected Observer assignment | 600 | 72 | 1,800 |
| Briefing registration | 600 | 72 | 1,800 |
| Certificate of insurance | 5 | 1 | 1 |
| Copies of contracts | 250 | 63 | 1,575 |
| Observer deployment/logistics reports | 642.5 | 77 | 1,925 |
| Debriefing registration | 600 | 72 | 1,800 |
| Reports of problems | 50 | 100 | 2,500 |
| Observer provider appeals | 0.2 | 8 | 200 |
| Observer appeals | 25 | 500 | 12,500 |
| TOTAL | 3,987.7 | 1,963 | 49,051 |

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection.

No capital or significant start-up costs are associated with this collection of information. Additional non-hour costs include mailing or faxing materials and telephone costs for electronic submissions. The burden cost includes the costs associated with compiling information for the application; mailing or faxing the application; compiling the information for the periodic reports

and faxing to NMFS as required; and lawyer fees for legal counsel in the event of an observer provider's appeal of a permit denial. These non salary costs total \$84,458.

| Document | Miscellaneous Cost (\$) |
|--|-------------------------|
| Industry request | 10 |
| Permit application | 5 |
| Permit update | 4 |
| Observer candidate transcripts and disclosure statements | 1,200 |
| Observer provider transcripts and disclosure statements | 1,000 |
| Observer physical exam | 16,000 |
| Observer provider physical exam notice | 400 |
| Projected Observer assignment | 600 |
| Briefing registration | 600 |
| Certificate of insurance | 10 |
| Copies of contracts | 350 |
| Observer deployment/logistics reports | 77 |
| Debriefing registration | 600 |
| Reports of problems | 50 |
| Observer provider appeals | 1,002 |
| Observer appeals | 62,550 |
| TOTAL | 84,458 |

14. Provide estimates of annualized cost to the Federal government.

The estimated annualized cost to the Federal government is 1,965 hr and \$49,125. The revised collection-of-information will not require additional personnel or resources from NMFS, beyond those already required for data entry, appeals, and enforcement. The NMFS Office of Administrative Appeals, staffed with one Chief Appeals Officer (GS 13) and several contract Appeals Officers manage the appeals. Litigation and enforcement cases will be handled by NOAA General Counsel, Alaska Region.

| Document | Responses | Burden (hr) | Personnel Cost (\$) |
|--|-----------|-------------|---------------------|
| Industry request | 10 | 25 | 625 |
| Permit application | 1 | 30 | 750 |
| Permit update | 4 | 2 | 50 |
| Observer candidate transcripts and disclosure statements | 200 | 66 | 1,650 |
| Observer physical exam /provider notice | 400 | 12 | 300 |
| Projected Observer assignment | 600 | 102 | 2,550 |
| Briefing registration | 600 | 30 | 750 |
| Certificate of insurance | 5 | 1 | 25 |
| Copies of contracts | 5 | 500 | 12,500 |
| Observer deployment/logistics reports | 642.5 | 109 | 2,725 |
| Debriefing registration | 600 | 30 | 750 |
| Reports of problems | 5 | 50 | 1,250 |
| Review of Observer provider appeals | 0.2 | 8 | 200 |
| Review of Observer appeals | 25 | 1,000 | 25,000 |
| TOTAL | 7,556 | 1,965 | 49,125 |

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.

Changes are adjustments unless otherwise noted. An error in previous support statement calculation is corrected by subtracting 20 responses. The cost of each sheet of a FAX is changed from \$6 to \$1, because the observer providers are all on land and a lower price is available to them. This change produces a decrease in miscellaneous costs. Other changes are listed below. TOTAL DECREASE of budget hours of 143 hours.

| Action | Responses | Burden Hours | \$personnel | \$misc |
|------------------|-----------|--------------|-------------|----------|
| indus (PC) | 10 | 5 | 125 | 10 |
| appln | | | | <25> |
| update (PC) | 4 | 1 | 25 | 4 |
| obs copies | 200 | 50 | 1,250 | 1,000 |
| pro copies | 200 | 50 | 1,250 | 1,200 |
| obs phys | <135> | <270> | | <5,400> |
| pro phys | <135> | 16 | 400 | <2,810> |
| assign | 65 | 8 | <11,575> | <2,610> |
| brief regis | 65 | 8 | 200 | <5,820> |
| insur | 0.8 | 1 | | <50> |
| copies cont | 57 | 57 | 1,569 | 343 |
| deploy | <3,905> | <469> | <11,450> | <27,211> |
| debrief | 65 | 8 | 200 | 503 |
| probs | | | | <250> |
| obs appeals | | 384 | 10,000 | 61,309 |
| pro appeals (PC) | 8 | 8 | 200 | 1,002 |

| Action | Responses | Burden Hours | \$personnel | \$misc |
|----------|-----------|--------------|-------------|----------|
| Add | 674.8 | 596 | 15,219 | 65,371 |
| Subtract | <4,175> | <739> | <23,025> | <44,176> |
| TOTAL | <3,500.2> | <143> | <7,806> | 21,195 |

| Document | Status | Action |
|---|---|--------------------------------------|
| Industry Request for Assistance in Improving Observer Data Quality Issues | NEW | Add 10 responses |
| | | Add 5 hr time burden (PC) |
| | | Add \$125 personnel |
| | | Add \$10 misc |
| New permit application for observer provider | REVISE Change procedure from certifying contractors to permitting providers and put into writing those things that were previously implied. Four new data elements are included in the permit application. A 60-day evidentiary period is added to provide additional information or evidence to support the application, if the application is found to be deficient | Decrease: \$30 to \$5 misc |
| Update to provider information | NEW Information provided on the permit application must be kept current through updated information. | Add 4 responses |
| | | Add 1 hr time burden (PC) |
| | | Add \$25 personnel |
| | | Add \$4 misc |
| Observer: Copies of academic records and disclosure statements | REVISE Resumes are removed as a cost. Disclosure statements are added. Cost to obtain a college transcript is added (\$5). Cost to mail copies of transcripts and disclosure statements changed from 1.40 to \$1. Total mailing cost is changed from \$7 to \$200. | Add 200 responses |
| | | Add 50 hr time burden |
| | | Add \$1,250 personnel |
| | | Add \$1,000 misc |

| Document | Status | Action |
|--|--|-----------------------------|
| Observer provider: Copies of academic records and disclosure statements | REVISE Remove from “debriefing registration.” Resumes are removed as a cost. Disclosure statements are added. | Add 200 responses |
| | | Add 50 hr time burden |
| | | Add \$1,250 personnel |
| | | Add \$1,200 misc |
| Observer: Observer physical examination | REVISE Remove from “notification of observer physical examination”. Cost and time of physical examination of observer or potential observer is separated into this category | 535 to 400 responses |
| | | 1,070 to 800 hr time burden |
| | | \$21,400 to \$16,000 misc |
| Observer provider: Observer physical examination notice | REVISE | 535 to 400 responses |
| | | 16 to 32 hr time burden |
| | | \$400 to 800 personnel |
| | | \$3,210 to 400 misc |
| Projected observer assignments | REVISE | 535 to 600 responses |
| | | 64 to 72 hr time burden |
| | | \$3,210 to \$600 misc |
| | | \$13,375 to 1,800 personnel |

| Document | Status | Action |
|---------------------------------------|--|---------------------------------|
| Observer briefing registration | REVISE Changed from “training/briefing registration.” Briefing and training sessions are broken out separately. | 535 to 600 responses |
| | | 64 to 72 hr time burden |
| | | \$6,420 to \$600 misc |
| | | \$1,600 to 1,800 personnel |
| Certificate of insurance | REVISE | \$60 to 10 misc |
| | | 0.2 to 1 hr time burden |
| Copies of contracts | REVISE | No. of contracts from 25 to 250 |
| | | 6 to 63 hr time burden |
| | | \$6 to 1,575 personnel |
| | | \$7 to \$350 misc |
| Observer deployment/logistics reports | REVISE | 4,548 to 643 responses |
| | | 546 to 77 hr time burden |
| | | \$13,375 to \$1,925 personnel |
| | | \$27,288 to \$77 misc |
| Debriefing registration | REVISE | 535 to 600 responses |
| | | 64 to 72 hr time burden |

| Document | Status | Action |
|---|--------|--------------------------------------|
| | | \$97 to \$600 misc |
| | | \$1,600 to \$1,800 personnel |
| Reports of problems | REVISE | \$300 to \$50 misc |
| Observer: Appeals for Denial of Observer Certification, Certification Suspension or Decertification | REVISE | 116 to 500 hr time burden (PC) |
| | | \$1,241 to 62,550 misc |
| | | \$2,500 to 12,500 personnel |
| Observer provider: Appeals for Observer Provider Permit Expiration or Denial of Permit | NEW | Add Misc cost \$1,002 |
| | | Add 8 hr time burden (PC) |
| | | Add \$200 personnel |

16. For collections whose results will be published, outline the plans for tabulation and publication.

No plans exist for publishing the results of the information collected from observer providers under the interim groundfish observer program or for employing statistical sampling techniques from these entities for the data collected.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

No forms are available in this collection. The information is collected through a written narrative.

18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.

No exceptions to the certification statement are requested.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.

Magnuson-Stevens Fishery Conservation and Management Act

Public Law 94-265

As amended through October 11, 1996

SEC. 303. CONTENTS OF FISHERY MANAGEMENT PLANS 16 U.S.C. 1853

95-354, 99-659, 101-627, 104-297

(a) REQUIRED PROVISIONS.--Any fishery management plan which is prepared by any Council, or by the Secretary, with respect to any fishery, shall--

(1) contain the conservation and management measures, applicable to foreign fishing and fishing by vessels of the United States, which are--

(A) necessary and appropriate for the conservation and management of the fishery to prevent overfishing and rebuild overfished stocks, and to protect, restore, and promote the long-term health and stability of the fishery;

(B) described in this subsection or subsection (b), or both; and

(C) consistent with the national standards, the other provisions of this Act, regulations implementing recommendations by international organizations in which the United States participates (including but not limited to closed areas, quotas, and size limits), and any other applicable law;

(2) contain a description of the fishery, including, but not limited to, the number of vessels involved, the type and quantity of fishing gear used, the species of fish involved and their location, the cost likely to be incurred in management, actual and potential revenues from the fishery, any recreational interest in the fishery, and the nature and extent of foreign fishing and Indian treaty fishing rights, if any;

(3) assess and specify the present and probable future condition of, and the maximum sustainable yield and optimum yield from, the fishery, and include a summary of the information utilized in making such specification;

(4) assess and specify--

(A) the capacity and the extent to which fishing vessels of the United States, on an annual basis, will harvest the optimum yield specified under paragraph (3),

(B) the portion of such optimum yield which, on an annual basis, will not be harvested by fishing vessels of the United States and can be made available for foreign fishing, and

(C) the capacity and extent to which United States fish processors, on an annual basis, will process that portion of such optimum yield that will be harvested by fishing vessels of the United States;

(5) specify the pertinent data which shall be submitted to the Secretary with respect to commercial, recreational, and charter fishing in the fishery, including, but not limited to, information regarding the type and quantity of fishing gear used, catch by species in numbers of fish or weight thereof, areas in which fishing was engaged in, time of fishing, number of hauls, and the estimated processing capacity of, and the actual processing capacity utilized by, United States fish processors;

(6) consider and provide for temporary adjustments, after consultation with the Coast Guard and persons utilizing the fishery, regarding access to the fishery for vessels otherwise prevented from harvesting because of weather or other ocean conditions affecting the safe conduct of the fishery; except that the adjustment shall not adversely affect conservation efforts in other fisheries or discriminate among participants in the affected fishery;

(7) describe and identify essential fish habitat for the fishery based on the guidelines established by the Secretary under section 305(b)(1)(A), minimize to the extent practicable adverse effects on such habitat caused by fishing, and identify other actions to encourage the conservation and enhancement of such habitat;

(8) in the case of a fishery management plan that, after January 1, 1991, is submitted to the Secretary for review under section 304(a) (including any plan for which an amendment is submitted to the Secretary for such review) or is prepared by the Secretary, assess and specify the nature and extent of scientific data which is needed for effective implementation of the plan;

(9) include a fishery impact statement for the plan or amendment (in the case of a plan or amendment thereto submitted to or prepared by the Secretary after October 1, 1990) which shall assess, specify, and describe the likely effects, if any, of the conservation and management measures on--

(A) participants in the fisheries and fishing communities affected by the plan or amendment; and

(B) participants in the fisheries conducted in adjacent areas under the authority of another Council, after consultation with such Council and representatives of those participants;

(10) specify objective and measurable criteria for identifying when the fishery to which the plan applies is overfished (with an analysis of how the criteria were determined and the relationship of the criteria to the reproductive potential of stocks of fish in that fishery) and, in the case of a fishery which the Council or the Secretary has determined is approaching an overfished condition or is overfished, contain conservation and management measures to prevent overfishing or end overfishing and rebuild the fishery;

(11) establish a standardized reporting methodology to assess the amount and type of bycatch occurring in the fishery, and include conservation and management measures that, to the extent practicable and in the following priority--

(A) minimize bycatch; and

(B) minimize the mortality of bycatch which cannot be avoided;

(12) assess the type and amount of fish caught and released alive during recreational fishing under catch and release fishery management programs and the mortality of such fish, and include conservation and management measures that, to the extent practicable, minimize mortality and ensure the extended survival of such fish;

(13) include a description of the commercial, recreational, and charter fishing sectors which participate in the fishery and, to the extent practicable, quantify trends in landings of the managed fishery resource by the commercial, recreational, and charter fishing sectors; and

(14) to the extent that rebuilding plans or other conservation and management measures which reduce the overall harvest in a fishery are necessary, allocate any harvest restrictions or recovery benefits fairly and equitably among the commercial, recreational, and charter fishing sectors in the fishery.

97-453, 99-659, 101-627, 102-251, 104-297

(b) DISCRETIONARY PROVISIONS.--Any fishery management plan which is prepared by any Council, or by the Secretary, with respect to any fishery, may--

(1) require a permit to be obtained from, and fees to be paid to, the Secretary, with respect to--

(A) any fishing vessel of the United States fishing, or wishing to fish, in the exclusive economic zone [or special areas,]* or for anadromous species or Continental Shelf fishery resources beyond such zone [or areas]*;

(B) the operator of any such vessel; or

(C) any United States fish processor who first receives fish that are subject to the plan;

(2) designate zones where, and periods when, fishing shall be limited, or shall not be permitted, or shall be permitted only by specified types of fishing vessels or with specified types and quantities of fishing gear;

(3) establish specified limitations which are necessary and appropriate for the conservation and management of the fishery on the--

(A) catch of fish (based on area, species, size, number, weight, sex, bycatch, total biomass, or other factors);

(B) sale of fish caught during commercial, recreational, or charter fishing, consistent with any applicable Federal and State safety and quality requirements; and

(C) transshipment or transportation of fish or fish products under permits issued pursuant to section 204;

(4) prohibit, limit, condition, or require the use of specified types and quantities of fishing gear, fishing vessels, or equipment for such vessels, including devices which may be required to facilitate enforcement of the provisions of this Act;

(5) incorporate (consistent with the national standards, the other provisions of this Act, and any other applicable law) the relevant fishery conservation and management measures of the coastal States nearest to the fishery;

(6) establish a limited access system for the fishery in order to achieve optimum yield if, in developing such system, the Council and the Secretary take into account--

- (A) present participation in the fishery,
- (B) historical fishing practices in, and dependence on, the fishery,
- (C) the economics of the fishery,
- (D) the capability of fishing vessels used in the fishery to engage in other fisheries,
- (E) the cultural and social framework relevant to the fishery and any affected fishing communities, and
- (F) any other relevant considerations;

(7) require fish processors who first receive fish that are subject to the plan to submit data (other than economic data) which are necessary for the conservation and management of the fishery;

(8) require that one or more observers be carried on board a vessel of the United States engaged in fishing for species that are subject to the plan, for the purpose of collecting data necessary for the conservation and management of the fishery; except that such a vessel shall not be required to carry an observer on board if the facilities of the vessel for the quartering of an observer, or for carrying out observer functions, are so inadequate or unsafe that the health or safety of the observer or the safe operation of the vessel would be jeopardized;

(9) assess and specify the effect which the conservation and management measures of the plan will have on the stocks of naturally spawning anadromous fish in the region;

(10) include, consistent with the other provisions of this Act, conservation and management measures that provide harvest incentives for participants within each gear group to employ fishing practices that result in lower levels of bycatch or in lower levels of the mortality of bycatch;

(11) reserve a portion of the allowable biological catch of the fishery for use in scientific research; and

(12) prescribe such other measures, requirements, or conditions and restrictions as are determined to be necessary and appropriate for the conservation and management of the fishery.

97-453, 104-297

(c) PROPOSED REGULATIONS.--Proposed regulations which the Council deems necessary or appropriate for the purposes of--

(1) implementing a fishery management plan or plan amendment shall be submitted to the Secretary simultaneously with the plan or amendment under section 304; and

(2) making modifications to regulations implementing a fishery management plan or plan amendment may be submitted to the Secretary at any time after the plan or amendment is approved under section 304.